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December 13, 2019

BY ECF AND EMAIL

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY
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MEMO ENDORSED

Re: *United States v. Jorge Gonzalez, 15 Cr. 537 (VEC)*
United States v. Joseph Jeffries, 15 Cr. 537 (VEC)

Dear Judge Caproni:

The Government respectfully submits this letter to update the Court regarding the status of the Government's discussions with defendants Gonzalez and Jeffries to resolve their pending motions to vacate their convictions for violating Title 18, United States Code, Sections 924(c) and sentences in light of the Supreme Court's recent decision in *United States v. Davis*, 2019 WL 2570623 (U.S. Jun. 24, 2019).

After the Government and Gonzalez's counsel reached an agreement in principle on the terms of a proposed plea agreement to resolve Gonzalez's pending *Davis* motion, the Government sent Gonzalez's counsel a written proposed plea agreement and accompanying superseding information memorializing those terms. Under the proposed written agreement, the Government and Gonzalez would jointly seek the vacatur of his Section 924(c) conviction and sentence insofar as they have been rendered subject to invalidation by *Davis*, Gonzalez would plead guilty to a superseding criminal information charging Gonzalez with a different statutory violation (of Title 18, United States Code, Section 371) covering his offense conduct in this case, and Gonzalez would be resentenced by this Court. From prior communications with Gonzalez's counsel, the Government expects that Gonzalez will accept this plea offer and will request a change of plea hearing to do so, but the Government is awaiting formal confirmation of that from Gonzalez's counsel. Accordingly, the Government respectfully requests that the Court schedule a change of plea hearing for him to do so on a date convenient for the Court in late January 2020, with the proviso that the Government will inform the Court by December 20, 2019 if the Government learns from Gonzalez's counsel between now and then that Gonzalez does not wish to accept the plea offer.

The Government understands from counsel for Jeffries that Jeffries (who was recently transferred from the federal prison where he had been serving his sentence to the Metropolitan Detention Center in Brooklyn at the request of the Government) has met with his counsel to discuss the plea offer that the Government extended to him to resolve his pending *Davis* motion. However, Jeffries' counsel has indicated that he and his client need additional time to further discuss and consider the offer. Accordingly, to give them sufficient time to do so, the Government and Jeffries

through his counsel respectfully request leave to file a further status report on or before January 10, 2020.

Accordingly, for the reasons set forth above, the Government respectfully requests that a change of plea hearing for Gonzalez be scheduled for a date convenient for the Court in late January 2020 (subject to the caveat noted above), and leave to file a further status report on or before January 10, 2020 concerning Jeffries.

Respectfully submitted,

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All other counsel of record (via ECF)

A change of plea hearing is hereby scheduled for Mr. Gonzalez on **January 24, 2020, at 2:00 P.M.**

A joint status report is due from the Government and Mr. Jeffries on or before **January 10, 2020.**

SO ORDERED. Date: 12/16/2019



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE